PATENTS
Attorney Docket No. FOM-118.01
99,039

REMARKS

In this Response, Applicant traverses the Examiner's rejections. Applicant's silence with regard to the Examiner's rejections of dependent claims constitutes a recognition by the Applicant that the rejections are moot based on Applicant's Remarks relative to the independent claim from which the dependent claims depend. Applicant reserves the option to further prosecute the same or similar claims in the present or a subsequent application. Claims 1-18 are pending in the present application.

Claim Rejections - 35 U.S.C. § 103(a)

The Examiner rejected claims 1-18 under 35 U.S.C. § 103(a) as being unpatentable over Stevenson et al. (U.S. Patent No. 6,738,388) in view of Soltis et al. (U.S. Patent. No. 6,493,804).

Applicant's independent claim 1 is directed to a method of modifying memory on at least one control device. In general, Applicant's independent claim 1 enables a long, drawn-out download operation to be performed robustly. The download is performed by transferring data, as further described in Applicant's independent claim 1, and then storing the transferred data in an inactive memory area. By transferring and storing the data to an inactive area of the memory of the control device, any and all operations of the control device, which use active memory areas, are not affected while the transfer and storage occur. Only later, when at least part of the download is complete, and the control device microprocessor is idle, is the microprocessor directed to execute the data stored in the

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inactive memory area, as further described in Applicant's independent claim 1, thus achieving the installation of the downloaded data. In this way, it is possible to achieve the remote updating of, for example, control devices in large chemical plants, while allowing those control devices to continue their current operations. Neither Stevenson et al. nor Soltis et al. teaches or suggests such a system.

In particular, addressing the specific arguments of the Examiner, Applicant also contends that the Examiner's cites to Stevenson et al. and Soltis et al. do not teach all of the features of Applicant's independent claim 1. Applicant's independent claim 1 includes transferring data *from a remote host device* to at least one control device during unscheduled communications periods and *without interrupting the operation of the control device.* The Examiner cites to Stevenson et al. (col. 21, lines 51-67 & col. 22, lines 1-29) as teaching or suggesting this step. Stevenson et al. does describe communications that use the Fieldbus protocol; communications in Stevenson et al. thus may occur during an unscheduled communications period. However, in the cited lines, Stevenson et al. describes communications between a controller and an external field device that the controller controls (*see* Fig. 5, elements 48 and 12). The cited lines do not teach or suggest transferring data *from a remote host device* to a control device. Rather, the cited lines teach transferring data to a controller from an external field device, which is not a remote host device as described in either the Applicant's specification or Stevenson et al. itself. The Examiner cites to col. 8, lines 18-27 of Stevenson et al. as disclosing a remote host device. However, the host described in those cited lines properly refers to one of the PCs in Fig. 1 (*see* element 14) or the user workstation in Fig. 5 (*see* element 150). The cite to col. 8, lines 18-27 seems to

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specifically distinguish between a host, other host devices, and field devices such as element 48 of Fig. 5; *see* col. 8, lines 19-21. This distinction is consistent throughout Stevenson et al. For example, Stevenson et al. describes a trend object, which is part of a field device, as allowing access by a *host* to the function block within the field device (*see* col. 10, lines 45-62) and teaches that a device description is usually provided with each device to give a *host* an extended view of the information in the field device (*see* col. 12, lines 46-58). Further, the cited portions of Stevenson et al. fail to teach or suggest any data transfer between the actual control device and another unit that occurs *without interrupting the operation of the control device*, which Applicant's independent claim 1 achieves, as described above. Thus, Stevenson et al. fails to teach or suggest the feature of Applicant's independent claim 1 directed towards transferring data *from a remote host device* to at least one control device during unscheduled communications periods and *without interrupting the operation of the control device*.

Applicant's independent claim 1 also includes storing *the transferred data* to a respective inactive memory area. As previously described, Stevenson et al. does not teach or suggest a remote host device that can transfer data to a control device during unscheduled communications periods and without interrupting operation of the control device. Since Stevenson et al. does not teach or suggest Applicant's claimed data transfer, Stevenson et al. cannot, and does not, teach or suggest Applicant's claimed *transferred data* that results from Applicant's claimed data transfer. Thus, Stevenson et al. does not teach or suggest the feature of Applicant's independent claim 1 directed to storing *the transferred data* to a respective inactive memory area.

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Applicant's independent claim 1 further includes redirecting at least one control device microprocessor, during an idle period of the control device microprocessor, to *execute the stored data* in the inactive memory area. Applicant agrees with the Examiner's statement that Stevenson et al. does not teach or suggest this feature of Applicant's independent claim 1.

With respect to Soltis et al., the Examiner continues to refer to col. 25, lines 21-23 and 27-31 and concludes that "[i]t would have been obvious to ... have incorporated" the teachings of the cited portion of Soltis et al. in the method of Stevenson et al. "to increase the manageability of the available capacity of the disk drives and memory devices while in service in various data processing systems." However, Applicant's invention is not directed towards increasing manageability of the available capacity of storage devices. Rather, as described in general above, Applicant's invention is directed towards remote updating of control devices without interrupting their current operations.

Further, in response to Applicant's earlier arguments concerning Soltis et al., the Examiner refers to col. 25, lines 21-23 and states that "[o]ne of ordinary skill in the art at the time of the invention can interrupt [sic] the SCSI device as control device with microprocessor." Applicant respectfully requests that the Examiner reconsider the teachings of Soltis et al. Even if Applicant follows the analogy made by the Examiner above (i.e., the claimed control device microprocessor of Applicant's claim 1 is analogous to the SCSI storage device in Soltis et al.), Soltis et al. still fails to teach or suggest redirecting the control device microprocessor, during an idle period of the microprocessor, *to execute the stored data*, as required by Applicant's independent claim 1. Soltis et al. discloses SCSI

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storage devices having storage blocks of stored data and locks controlling use of the data in the blocks by clients, where "[c]lients issue actions to the storage devices for performing operations on *the locks*" (*see* Abstract (emphasis added)). Soltis et al. teaches that SCSI commands may be used, for example, to implement locks on a storage device or devices (*see* col. 14, lines 56-64), unlock and reset these locks (*see* col. 15 line 25 to col. 19 line 12), and configure these locks via Mode commands (*see* col. 25, lines 21-31, as cited by the Examiner). All of these commands, however, represent actions performed by SCSI storage devices on *the locks*. None of the commands disclosed in Soltis et al. describe an execution command, or any other action, performed by any SCSI storage device on *the data*. In contrast, Applicant's independent claim 1 requires that that an action, execution, be performed by the control device microprocessor on *the data* stored in the inactive memory area. Thus, Soltis et al. does not teach or suggest the feature of Applicant's independent claim 1 directed to redirecting at least one control device microprocessor, during an idle period of the control device microprocessor, *to execute the stored data* in the inactive memory area.

In summary, neither Stevenson el at. nor Soltis et al., alone or in combination, teaches or suggests the method described by Applicant's independent claim 1, or all of the features of the method. Thus, Applicant's independent claim 1 is allowable, and Applicant's dependent claims 2-10, which depend from independent claim 1, are also allowable.

Applicant's independent claim 11 is a system claim that includes features similar to allowable independent claim 1. Applicant's independent claim 11 is therefore allowable for

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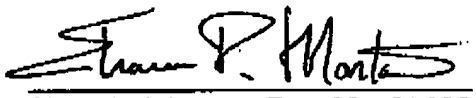
the reasons provided with respect to Applicant's independent claim 1. Thus, Applicant's claims 12-18, which depend from independent claim 11, are also allowable.

CONCLUSION

Applicant believes this Response to be fully responsive to the present Office Action. Thus, based on the foregoing Remarks, Applicant respectfully submits that this application is in condition for allowance. Accordingly, Applicant requests allowance of the application.

Applicant invites the Examiner to contact the Applicant's undersigned Attorney if any issues are deemed to remain prior to allowance.

Respectfully submitted,



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